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Message Text

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ACTION SNM-05

INFO OCT-01 NEA-10 ISO-00 PPTE-00 L-03 CA-01 DEAE-00
SCS-06 /026 W
----------121469 061027Z /10
R 060914Z SEP 78
FM AMEMBASSY ABU DHABI
TO SECSTATE WASHDC 8302
INFO AMEMBASSY TEHRAN

UNCLAS SECTION 1 OF 2 ABU DHABI 2360

ATTN SCA, PPT, S/NM

E O 11652: NA
TAGS: SNAR
SUBJ: NARCOTICS LAWS

REF: STATE 170187

FOLLOWING ARE ANSWERS TO QUESTIONS RAISED IN STATE 170187. IF MORE DETAILED ANSWERS ARE REQUIRED, THE DEPARTMENT IS REQUESTED TO IDENTIFY THE SPECIFIC QUESTION OR AREA REQUIRING MORE DETAIL. DEA AGENT STATIONED AT AMEMBASSY TEHRAN COVERS THE UAE AND MAY BE ABLE TO PROVIDE ADDITIONAL INFORMATION. IN GENERAL, EMBASSY FEELS DRUG PROBLEM IN UAE IS MINOR AT PRESENT ALTHOUGH ARRESTS CONTINUE TO BE MADE PRIMARILY FOR POSSESSION AND TRAFFICKING OF HASHISH (MARIJUANA).

1. POSSESSION:
A. NO
B. THERE IS NO QUALIFYING AMOUNT FOR OPERATION OF THE OFFENSE. ANY QUANTITY, NO MATTER HOW SMALL, IS INCRIMINATING. THE SENTENCE IMPOSED, HOWEVER, MAY VARY ACCORDING TO THE QUANTITY SEIZED.
C. PENALTIES FOR POSSESSION:
(1) THERE IS NO DIFFERENTIATION MADE BETWEEN POSSESSION
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AND OTHER NARCOTICS OFFENSES, SUCH AS TRAFFICKING. SENTENCES IMPOSED FOR ANY TYPE OF NARCOTICS OFFENSE ARE UP TO FIVE YEARS IMPRISONMENT AND/OR A DIRHAM 10,000 (DOLS 2,600) FINE PLUS CONFISCATION OF THE DRUGS. FOREIGNERS ARE USUALLY DEPORTED FOLLOWING IMPRISONMENT AND/OR PAYMENT OF THE FINE.
(2) THE JUDGE TRYING THE CASE MAY TAKE INTO CONSIDERATION MATTERS SUCH AS QUANTITY FOUND, AGE AND PERSONALITY OF THE

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OFFENDER, ETC.
(3) THE COURTS AND LAW ENFORCEMENT AGENCIES ACT UNDER A LAW (NO. 13/1970) AND A MINISTERIAL DECREE (NO. 36/1977). (THE EMBASSY CAN POSSIBLY OBTAIN A COPY OF THE LAW AND DECREE IF THE DEPARTMENT SO DESIRES. HOWEVER, BOTH WOULD BE IN ARABIC AND WOULD REQUIRE A PROFESSIONAL LEGAL TRANSLATOR - AN EXPENSIVE UNDERTAKING IN THE UAE).

2. TRAFFICKING:
A. THERE IS ONE SINGLE NARCOTICS LAW COVERING ALL NARCOTICS OFFENSES. HOWEVER, COURTS INVESTIGATE EACH CASE SEPARATELY.
B. THERE IS NO MINIMUM PENALTY. NO NARCOTICS SUSPECTS ARE RELEASED ON BAIL. THERE IS NO PAROLE (SEE ANSWER (5)(E)).
C. AS STATED ABOVE, THERE IS NO DIFFERENTIATION AMONG NARCOTICS OFFENSES. POSSESSION, TRAFFICKING, INTENT TO TRAFFIC, ASSOCIATION WITH TRAFFICKERS, HELPING TO TRAFFIC, ETC. ALL COME UNDER THE SAME LAW AND ALL OFFENDERS ARE SUBJECT TO THE SAME PENALTY AND SENTENCING. THE ACTUAL QUANTITY TO DIFFERENTIATE BETWEEN POSSESSION AND TRAFFICKING IS NOT KNOWN. THE OFFER OF ONE PUFF OF A MARIJUANA CIGARETTE COULD CONCEIVABLY BE CONSIDERED TRAFFICKING.
D. YES. SEE (1)(C)(1).

3. CULTIVATION, PRODUCTION, ELABORATION:
A. YES. (THE EMBASSY DOES NOT UNDERSTAND WHAT DETAILS REFTEL SEEKS.) PENALTIES ARE CITED UNDER PARA (1)(C)1).
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B. CULTIVATION IS PROHIBITED.
C. ELABORATION IS CONSIDERED A NARCOTICS OFFENSE AND COMES UNDER THE SAME LAW AS OTHER NARCOTICS OFFENSES.

4. FINANCIAL:
A. ANY AID, INCLUDING FINANCIAL SUPPORT, FOR CULTIVATION, ELABORATION OR TRAFFICKING IS PROHIBITED BY LAW.
B. NO.

5. CRIMINAL PROCEDURE:
A. A SUSPECT MAY BE HELD FOR 48 HOURS WITHOUT INVESTIGATION AFTER WHICH CASE MUST BE TURNED OVER TO THE DISTRICT ATTORNEY'S OFFICE FOR INVESTIGATION. DA'S OFFICE THEN HAS 21 DAYS FOR INVESTIGATION. THE INVESTIGATIVE PERIOD MAY BE EXTENDED BY COURT ORDER. NO NOTIFICATION IS MADE TO THE EMBASSY OR CONSULAR OFFICER WHEN AN ACCUSED IS ARRESTED.
IF THE EMBASSY IS INFORMED OF THE ARREST BY WHATEVER METHOD, E.G. NEWSPAPERS, BUSINESS ASSOCIATES, ETC., A CONSULAR OFFICER MAY VISIT THE ACCUSED DURING THE INVESTIGATIVE PERIOD IF SUCH VISIT IS APPROVED BY THE PROSECUTOR.

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R 060914Z SEP 78
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TO SECSTATE WASHDC 8303
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ATTN SCA, PPT, S/NM

B. THE CUSTOMARY LENGTH OF PRE-TRIAL DETENTION IS UP TO 21 DAYS BUT CAN BE EXTENDED BY THE COURT.

C. THE LENGTH OF A TRIAL DEPENDS ON THE INDIVIDUAL CASE. THERE IS NO LAW ENFORCING A JUDGE OF A COURT TO END A CASE WITHIN A SPECIFIED TIME PERIOD. THE SAME HOLDS TRUE FOR THE APPELLATE PROCEDURE.

D. UAE COURTS DO NOT PROVIDE LEGAL COUNSEL AT NO COST. THERE ARE NO PUBLIC DEFENDERS SUCH AS IN THE US. THE ACCUSED MAY HIRE AN ATTORNEY TO DEFEND HIM. THE ADEQUACH OF ATTORNEYS FOR NARCOTICS CASES IS NOT KNOWN. FEES WOULD HAVE TO BE AGREED UPON BETWEEN THE ACCUSED AND THE ATTORNEY AND WOULD MOST PROBABLY DEPEND ON THE LENGTH OF TIME INVOLVED. IT IS ESTIMATED THE FEES WOULD BE EXTREMELY HIGH.

E. THERE IS NO PROVISION FOR PAROLE. THE MINISTER OF JUSTICE HAS THE RIGHT TO REDUCE OR SUSPEND THE SENTENCE AFTER THE APPELLATE PROCESS HAS BEEN COMPLETED. THE PRESIDENT OF THE UAE HAS THE RIGHT TO ISSUE A PRESIDENTIAL PARDON.

F. THE LEGAL AGE OF RESPONSIBILITY IN THE UAE IS 18. JUVENILE OFFENDERS ARE AGED 7 TO 18. THE JUDGE OF A COURT HAS THE AUTHORITY AND DISCRETION TO CONSIDER EACH CASE INDIVIDUALLY. IT IS NOT KNOWN WHETHER A JUVENILE OFFENDER WOULD BE DEPORTED, ALTHOUGH IT IS OUR RECOLLECTION THAT IT HAS HAPPENED IN AT LEAST ONE CASE. AS STATED, THE JUDGE OF A COURT

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HAS THE AUTHORITY TO CONSIDER THE AGE OF AN OFFENDER, HIS

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PERSONALITY, THE QUANTITY OF NARCOTICS INVOLVED,ETC.
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